Remarks and Arguments

Applicants have carefully considered the Office Action dated November 28, 2007 and the references cited therein. Applicants respectfully request reexamination and reconsideration of the application.

Double Patenting Rejections:

Claims 1-22 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of US Patent 6,965,912, by the same inventors. In addition, Claims 1-22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of the copending patent application publication number 2004/0205138A1 and over claims 1-24 of the copending patent application publication number 2006/0036681A1.

Applicants respectfully request that the nonstatutory obviousness-type double patenting rejections be held in abeyance until an indication of allowable subject matter or the issuance of a US patent from copending patent application Publication No. 2004/0205138A1 or Publication Number 2006/0036681A1.

Claim Rejections – 35USC §101:

The Examiner contends that claims 3-5 are non-statutory because these claims are directed to non-statutory subject matter. Claim 3 has been previously amended to recite "a *tangible* computer usable medium" (claim 3, lines 2-3). As such, claims 3-5 are believed to comply with all sections of 35 USC section 101. Applicants are puzzled as to whether other corrections the Examiner's referring in setting forth the rejection in a. These amendment were not been made to distinguish over any reference of record and no narrowing of any corresponding equivalents to which the amended limitation(s) or claim(s) is/are entitled is intended by these amendments.

Claim Rejections – 35 USC §102:

Claims 1-22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Small, U.S. Patent No. 5,513,117, hereafter Small '117, already of record. As set forth in the

prior response, in the present invention, the gifts are not just gift certificates, but may be physical entities of different types. Further, the card and gift combination is not predetermined, i.e. the selected gift does not predefine or limit the selection of cards, nor does the selected card predefine or limit the selection of gift(s). Accordingly, the present invention allows any number of independently selectable, cards to be customizable and matched with any number of selectable gifts, without predetermined limitations, and for the customized card and gift(s) to be sent together as a single combined entity to the designated recipient. As set forth in the subject application, the readable data printed on the personalized greeting card may function as a shipping label in the fulfillment environment to match a gift with a card. Alternatively, such readable data may be utilized to generate an intermediate label, such as a pick ticket, useable to help match the printed greeting card with another item in the fulfillment warehouse. In this matter, the personalized greeting card itself becomes a mechanism for facilitating the matching of a gift with the card.

In contrast, the Small reference, on which the current set of rejections are based, does not provide a personalizable card that can be selected *independent* of any of a plurality of items ordered on line. Small discloses a kiosk-like, automated vending apparatus for simultaneously dispensing personalized greeting cards and *electronically* vendable gifts (Small, column 2, lines 30-33). Such gifts are limited to gifts that can be evidenced by an electronically generated personalized printout combined with or printed directly on a personalized card (Small, column 2, lines 55-59). Small does not disclose a system which is capable of simultaneously delivering a personalized greeting card with a tangible gift, since there is no technique disclosed for matching and bundling of the personalized card and the tangible gift.

In response to the previous amendments to the claims and remarks, the Examiner has made general statements asserting that Small continues to teaches all the concepts and aspects of the invention as claimed without any specific sections within a reference or other references of record. Such broad, blanket-like statements deprive Applicants and their counsel of the opportunity to address such rejection.

Claim 1 has been previously amended to recite "generating from the readable data printed on the greeting card a shipping label" (claim 1, lines 7-8). Applicants

8

respectfully assert that in order to properly maintain and current rejection under 35 U.S.C. 102(b), the Examiner must specifically cite those sections within the specification and/or figures of Small which disclose generating from the readable data *printed on the greeting card* a shipping label.

Claim 3 has been previously amended to recite program code for generating from the readable data printed on the greeting card a document comprising a packing list identifying at least one item to be shipped in conjunction with the printed greeting card (claim 3, lines 9-11). Applicants respectfully assert that in order to properly maintain and current rejection under 35 U.S.C. 102(b), the Examiner must specifically cite those sections within the specification and/or figures of Small which disclose program code for generating from the readable data printed on the greeting card … a packing list identifying at least one item to be shipped in conjunction with the printed greeting card.

Claim 6 has been previously amended to recite "reading the reference data from the greeting card" and "using the read data to access in memory data defining any of a greeting card destination address, and lot number identifying a gift with which the personalized greeting card will be shipped" (claim 6, lines 5-8). Again, the Examiner has not shown where Small discloses using the read data to access in memory data defining any of a greeting card destination address, and lot number identifying a gift with which the personalized greeting card will be shipped. Applicants respectfully assert that in order to properly maintain and current rejection of claim 6 and its dependent claims under 35 U.S.C. 102(b), the Examiner must specifically cite those sections within the specification and/or figures of Small which disclose the subject matter of claim 6 in its current form.

Claim 11 has been previously amended to recite "program logic configured to read the reference data from the card and generate a label therefrom" (Claim 17, lines 8-9). Again, Applicants respectfully assert that in order to properly maintain and current rejection of claim 11 and its dependent claims under 35 U.S.C. 102(b), the Examiner must specifically cite those sections within the specification and/or figures of Small which disclose program logic configured to read the reference data from the card and generate a label therefrom.

Claim 16 has been previously amended to recite "printing readable data on one of the *n* panels of the greeting card, the readable data comprising data identifying one of a product with which the greeting card will be matched, and a destination shipping address" (Claim 16, lines 7-9). Again, Applicants respectfully assert that in order to properly maintain and current rejection of claim 16 under 35 U.S.C. 102(b), the Examiner must specifically cite those sections within the specification and/or figures of Small which disclose printing readable data on one of the *n* panels of the greeting card, the readable data comprising data identifying one of a product with which the greeting card will be matched, and a destination shipping address.

Claim 17 has been previously amended to recite "maintaining, in a memory, reference data representing one of data identifying a product with which the personalized document will be matched, and a destination shipping address " (Claim 17, lines 8-10). Again, Applicants respectfully assert that in order to properly maintain and current rejection of claim 17 and its dependent claims under 35 U.S.C. 102(b), the Examiner must specifically cite those sections within the specification and/or figures of Small which disclose maintaining, in a memory, reference data representing one of data identifying a product with which the personalized document will be matched, and a destination shippng address.

Applicants believe the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he is invited to call Applicants' attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. 02-3038.

Respectfully submitted,

/Bruce D. Jobse/ _____ Date: 2008-04-28
Bruce D. Jobse, Esq. Reg. No. 33,518
Rissman Jobse Hendricks & Oliverio, LLP
Customer Number 021127
Tel: (617) 367-4600 Fax: (617) 367-4656